

FILED
US DISTRICT COURT
DISTRICT OF ALASKA

2005 DEC 29 PM 2: 22

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JACK L. EARL, JR.,)	
)	
Petitioner,)	No. A02-224 CV (HRH)
)	
vs.)	RESPONSE TO EARL'S
)	OBJECTION TO MAGISTRATE
CRAIG TURNBULL,)	JUDGE'S RECOMMENDATION
)	
Respondent.)	
)	


The respondent's understanding of the district court's order [Docket 47] is consistent with Earl's. Earl's claim 4 encompassed two distinct claims: (1) the purported prejudicial effect of the placement of judicial service officers during Earl's trial and (2) the purported prejudicial effect of Cyrus Reape's testimony that he and Earl had been institutionalized together. The

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district court ruled that Earl properly exhausted the first claim. The court further ruled that the second claim, relating to Reape's testimony, should be dismissed absent a showing cause and prejudice, which Earl has failed to make.

DATED this 29th day of December, 2005.

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